BITTER FIGHT ON CHANGE OF VENUE

Judge Loving Submits a Lengthy Affidavit Stating His Reasons.

DECIDE MATTER THIS MORNING

Judge Barksdale, After Hearing Argument by Both Sides, Took Matter Under Advisement Until Court Convenes This Morning.

[Special to The Times-Dispatch.]

LOVINGSTON, VA., May 28 .- The place and the time of the trial of Judge W. G. Loving for the murder of Theodore Estes is still a matter of doubt. After a day of battling over these and other questions connected with the case, the court has the subject of a change of venue under consideration to-night, and will announce a decision

at \$:30 o'clock to-morrow.

Judge Barksdale, appointed by Governor Swanson to preside at the trial, arrived, and within an hour the grand

ernor Swanson to preside at the trial, arrived, and within an hour the grand jury returned an indetment.

Only three witnesses were summoned. Two of them were the negro laborers who were working under the supervision of Estes in the car, unloading fertilizer at Oakridge on the 22d of April, when Estes was killed.

The other witness was Dr. W. M. Tunstall. who examined the corpse a short time after the shooting.

As soon as the indictment was found Judge Loving was brought into court. It must have been a dramatic moment with him as he stood at the bar, listering to the reading of the indictment, charging him with a crime the punishment of which is death. It was samiliar ground with him. There he had started out in the world, a young man, with his own way to make, but with an honored name as a most valuable asset in the struggles. It was the scene of many a triumph at the bar, and there he had for many years wat as one of the State's brightest examples of the upright judge. Something of all this may have passed through the mind of the defendant as he stoed up, tall and erect as a solution, while the indictment was being rad, his dark eyes fixed steadfastly on the face of the clerk. He was siddling collar and black string the giving to his appearance suggestiveress of the Virginian and Southerner. He wears a black slouch hat.

"Not guility," replied the defendant

"Not Guflty," Saye He. "Not guilty," replied the defendant in a strong, clear voice, at the conclu-sion of the indictment. He sat down, He was not excited, or if he was, his face and actions did not betray the

fact.
The followed the struggle over the matter of bail and of changing the place of trial to some other county.
The struggle over the bail bond did not last long, the efforts of the Comnot last long, the efforts of the Com-monwealth to have the defendant com-binated to jail terminating in an order of the court that the prisoner be ad-mitted to bond in the sum of \$10,000. The former bond was half that sum. But the fight to have the defendant tried in some other than his native county was much longer and is not de-

The prosecution is opposing with the utmost bitterness the motion of the defense to have the prisoner taken elsewhere for trial, and the defense is

likewise putting forth every effort to transfer the case.

The prosecution is inclined to dwell on the fact that the defendant is seeking to have the case taken into a jurisdiction in which strangers will have the case taken for the case taken into a furisdiction in which strangers will be seen into a purisdiction in which strangers will be seen intended to having the pass on his case, instead of having his trial in a county where neighbors and friends of a lifetime will see whether he should be punished or go free. It is believed the court will order that the case be tried at Houston, in Hail-fey county.

is believed the court will order that the case be tried at Housto's, in Hall-fax county.

The courthouse was not crowded to day; in fact, it was not fail. While there is intense interest in the case throughout the county, tobacco-planting and corn-ploughing are the order of the day in Nelson, and the farmers will not lose precious time.

But should the trial be held in Nelson the yillage of Lovingston will never have held such a crowd as will gather ito witness the proceedings.

Special Grand Jury.

Special Grand Jury.

Judge Barksdale arrived shortly before 11 o'clock and went on the bench
at once, and had the grand jury summoned to the courtroom, Judge Barksdale told the jury he had understood
they had been impanelled and charged
by Judge Gordon on yesterday. Therefore, the jury would retire and consider
the case of the Commonwealth vs.
Loving, as Judge Leving had declined
to sit in that case. The grand jury to sit in that case. The grand jury retired, but a few minutes afterwards Commonwealth's Attorney Whitehead Commonwealth's Attorney Whitchead moved that the regular grand jury be discharged, and a special grand jury be sunnoned to consider the case.

Judge Barksdale said he had no objection to that course being taken.

Mr. Whitchead called attention to the

fact that the same grand jury could be impanelled again under the direction

of the Court of Appeals.

The court said he purposed taking that course, and the jury was brought back and sworn as a special grand

COLD WEATHER TO CONTINUE IN THE SOUTH

Special Forecast Predicts Frost in Middle Atlantic States.

WASHINGTON, May 28 .- Remarkably unseasonable weather, with a cold wave extending throughout the country mometers in some sections registering PRESAGES END OF the lowest temperature for the season In many years, is reported by the Weather Bureau. To-night the bureau saued the following special forecast.

"Frost warnings have been issued for the Middle Atlantic States and the eastern lower take region, Western Colorado, Eastern Wyoming, Utah and Northern Arlzona, and warnings of freezing temperature for Western Wyoming."

ture for Western Wyoming."

Westher Bureau officials say there is no immediate prospect of any summer weather anywhere. The present cold wave, they add, has been running throughout most of the present month. Heavy frosts are reported to the bureau from Michigan and other Sistes of the lake region. The cold wave is particularly severe in the Southweat, and is due, according to the weather experts, to the heavy rains in that portion of the country. The indications in this section of the country are for a light fall of frost to-night.

RICHMOND MAN FATALLY INJURED

Fred J. Heyer, Electrician, Falls Forty Feet in Alexandria, Crushing Skull.

[Special to The Times-Dispatch.] ALEXANDRIA, VA., May 28.-Fred erick J. Heyer, an electrician, emerick J. Heyer, an electrician, employed by the Southern Bell Telephone
Ccmpany, whose home is in Richmond,
Va., fell from a telephone pole forty
feet high this afternoon and had his
skull crushed. He died ten minutea
after at the hospital. Heyer was twenty-three years of ago and unmarried.
The remains will be forwarded to Richmond to-morrow.

Heyer lived with his mother and several sisters, at No. 510 North Fifth Street. He was formerly in the employ of the Postal Telegraph Company, but recently severed his relations with the latter to accept a position with the Southern Bell Company.

ROOSEVELT BAD AS SOCIALISM

Lord Rothschild Thinks He Has Ruined the Stock Market.

views of the prospects of the stock market are not encouraging. In an in-

terview this afternoon he said he could see no immediate prospect of improvement, adding:

"The best that can be said is that the markets are no worse to-day, Perhaps they are slightly better. But with President Roosevelt attacking the railways in one part of the world, the income tax question and other problems in France, and the socialist movement in England, the public are killing the goose that lat&-the golden egg, and we can expect nothing more than what the market positions reveal."

NEW PLAN TO

Seaboard Trust Company Resists Reduction for the

BALEIGH N. C. May 28 .- The Mor ton Trust Company, of New York, trus-tee for an issue of Seaboard Air Line tee for an issue of Seaboard Air Line Rallway bonds exceeding \$6,00,000, has instituted suit in the United States Circuit Court here to test the validity of the act of the Legislature reducing freight and passenger rates.

The bill is against the Seaboard Air Line Rallway Company as well as the North Carolina Comporation Commission, the directors of the former having declared their intention of putting order is asked.

JURY INDICTS EQUITABLE MAN

Controller Jordan Charged With Forgery and Perjury.

NEW YORK, May 28 .- The May grand jury, which has been investigating the affairs of the Equitable Life ing the affairs of the Equitable Lite Assurance Society, to-day returned eighteen indictments against Thomas D. Jordan, formerly controller of the Equitable, Perjury and forgery in the third degree are charged. No indictments were found against present officials of the society. This concouncement was made to-night by the district attorney's office. The grand jury concluded its duties and was discharged.

WILL RECOUNT

PENDLETON WINS OVER MEREDITH

Elected Member of State Library Board Last Night.

JOHN P. KENNEDY

Newly Constituted Board Wil Meet Early In July When It Is Believed the

Librarian Will "Walk the Plank."

of Education, after a spirited contro versy last night, elected Mr. Edmund Pendleton, of this city, to succeed Hon Charles V. Meredith as a member of the State Library Board, and this re sult clearly foreshadows the passing first meeting of the newly constituted ody, early in July.

body, early in July.

Indeed, there was never any concealment of the fact that this was the real issue in the fight against Mr. Meredith, which started immediately upon the determination of the Library Board to retain Mr. Kennedy as librarian, and it was pressed vigorously to the end.

The election of Mr. Pendleton will cause no great surprise, certainly among those who are in fairly close touch with the situation, for the anti-Moredith leaders in the board have freely asserted for more than a week that the Richmond lawyer would be defeated, and it was pretty generally known that Mr. Pendleton would be the man.

The newly elected member is editor.

that the Richmond lawyer would be defeated, and it was pretty generally known that Mr. Pendieton would be the man.

The newly elected member is editor of the Richmond Evening Journal, and has from the inception of the library controversy expressed strong opinions in favor of Mr. Kennedy's removal from office. Therefore, if Messrs. Gordon and Fishburne, who voted to call for the librarian's resignation at the last meeting, have not changed their minds on the subject, which appears altogether unlikely, the situation as it stands now is exactly the reverse of that which then existed, and instead of standing three to two in favor of Kennedy's retention, the board stands three to two for his removal.

Put Up Strong Fight.

The State Board of Education wrangled over the matter for nearly two hours last night, and Mr. Meredith's three supporters made a strong fight for his re-election, but the Pendeton men had the votes, and upon roll-call they won 'hands down."

Neither of the candidates was present, and there were but few persons other than board members about the Capitol, though this was no indication of any lack of interest in the fight.

Mr. Pendleton goes into office on July 1st, and shortly thereafter a meeting of the board is expected.

What will be the exact method of disposing of the present head of the library is not known. He may resign in the meantime, but this is not likely. The board may call for his resignation, or a resolution may be adopted removing him summarily from office. But the latter course will hardly be necessary, as the librarian holds office at the pleasure of the board, and the mere selection of another in his place would be sufficient.

At the last meeting of the board, which decided to retain Mr. Kennedy, the vote was:

For Kennedy—Messrs, Meredith, Patteson and Garnett—3.

which decided to retain Mr. Kennedy, the vote was:

W PLAN TO

TEST RATE LAW

Dard Trust Company Resists Reduction for the Railroad.

EIGH, N. C., May 28.—The Morsust Company, of New York, trust as issue of Seaboard Air Line as bonds exceeding \$6,000,000, stituted suit in the United States to Court here to test the validity and passenger rates. Elight way Company as well as the Carolina Corporation Commische directors of the former have clared their intention of putting the properties of the former have clared their intention of putting the properties of the former have clared their intention of putting the properties of the former have clared their intention of putting the properties of the former have clared their intention of putting the properties of the former have clared their intention of putting the properties of the former have clared their intention of putting the value of the properties of the former have clared their intention of putting the value of the

sible, which they succeeded in doing last night.

Meanwhile, there had been much talk of the removal of certain members of the library staff, but so far as is known, this came from the outside, rather than from members of the board. Anyway, it had its effect, and tended only to agggravate the feeling against Kennedy and to stimulate greater activity among Mr. Meredith's opponents.

The action of the Board of Education last night is regarded as a signal victory for the employes in the library under Mr. Kennedy.

There are already several probable candidates in the field for librarian. These include Messrs, J. G. Hankins, of Hallfax, and John S. Patton, of Albemarle.

BIG STEAMSHIP

STUCK IN MUD

Kaiser Wilhelm der Grosse

Wetty officer was shown a dressing room where a stock of white clothes were kept, 'very much similar to the regulation mess attendant uniform.' On the regulation mess attendant uniform.' On the regulation mess attendant uniform. On the manager stated that the action of time.

Insult to Uniform.

"This resort is advertised as being under the management of the Columbia Amusement Company. Incorporated, W. F. Crawl, president.

"As the many is doing everything in instance of apparent discrimination against the service uniform, and it is believed that some action should be taken thereon by withholding license or otherwise.

"If such practices he permitted, the naval service by causing the uniform of the navy to be looked upon with disfavor.

"Commending the matter to your expense attention, I shall be glad to

Kaiser Wilhelm der Grosse Aground in New York Harbor.

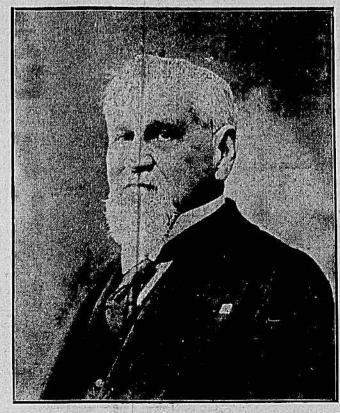
that course and the jury was brought back and sworn as a special grand jury.

While the eath was being administered to the members of the jury, Judge Bloving arrived, and could be seen walking through the ground's with his counsel to the office of Mr. Strode, Judge Loving's counsel were not in court during these proceedings. Daniel Harmon, of Charlottesville, who is associated with the prosecution, was at the bar with the Commonwealth's attempt.

ALBANY, N. Y., May 28.—The State Sallots,

ALBANY, N. Y., May 28.—The State Sallots, word with the prosecution, was at the bedry sallots, search to day, by a vote of thirty-eight to eight, passed the hasembly bill, proportion of the ballots cast in the McClellan-Hearts mayoralty in the McClellan-

COMMANDER-IN-CHIEF OF CONFEDERATE VETERANS



GENERAL STEPHEN D. LEE.

METCALF CALLS IT INSULT TO UNIFORM

Dancing Pavilion at Pine Beach.

He and President Tucker Promise That Men Shall Have Square Deal.

WASHINGTON, D. C., 3049 28.—Diserimination against the Flue Jacket uniform of the navy at the dancing pavilion of the Pine Beach and Amusement Park, a resort adjacent to the Jamestown Exposition, has led Secretary Metcalf to action.

The complaint was made to the Navy Department by Lieutenant Babock, commanding the United States ship Truxton, on May 18th. The substance of this report and position taken by Secretary Metcalf in the matter is given by him in the following letter to Governor Swanson of Virginia, dated May 22d:

to Governor Swanson of Virginia, dated May 22d:
"This department is in receipt of an unofficial report from the comranding officer of the United States ship Truxton, dated Pine Beach, Va., May 16, 1997, with regard to a case of diresport to the service uniform which has occurred during the sojourn of the flotilia at the Pine Beach.
"The commanding officer of the Trux-

at the Pine Beach.

"The commanding officer of the Truxton states that the dancing pavilion
of Pine Beach Park refuses admittance
to men in blue jackets' uniforms; at
the same time grant unqualified admittance to soldiers in uniform. On receipt of complaint from well-behaved
and self-respecting men of the vessel
a first-class petty officer was instructed
to apply for admittance, and if refused
to see the manager and ask reasons for
such actions.

"Such direction being carried out S

such actions.

"Such direction being carried out, S. E. Lano, gunners-mate of the first class, war, on the 15th instant, refused admission to the dancing payllon, the manager stating that 'under no circumstances would men in blue jackets' uniform be admitted; that the men were not objected to, but their uniform was, and that if they wished to go in and dance other clothes would be furnished them.' Request was made to see the 'other clothes' mentioned, and the petty officer was shown a dressingpetty officer was shown a dressing-room where a stock of white clothes

REUNION PAPERS

The Times-Disputch, containing full accounts of the United Confedfull accounts of the United Confederate Veterans' convention, starting with issue of May 30th, up to and inclinding issue of June 4th, will be mailed to any address in America for the entire period for twenty cents. Leave your orders early at The Times-Dispitch office, Dtd East Main Street.

MAYOR M'CLELLAN

Sailors Denied Admittance to Public Utilities Measure Sent Back to Legislature at Albany.

WRITES LETTERS TO SWANSON IT MAY BE PASSED ANYWAY

Holds in Effect That Law Is Destructive to Principle of Home Rlue.

NEW YORK, May 28.—Lafe to-night Mayor McClellan recorded the official disapproval of the public utilities bill, which he sent back to the Legislature, where it is expected it will be repused without the Mayor's signature. In a tile of the Confederacy, the Mecca of the white he sent back to the Legislature of Mayor explains that while he is in accord with the general principles embodied in the bill, it is as a whole so destructive of the principle of home rule that but one course was open to him. This was his basic objection, but the Mayor adds, in effect, that such legislation would result law tuble, it the expointment of principle of home rule that but one course was open to him. This was his basic objection, but the Mayor adds, in effect, that such legislation would result law tuble, if the expointment of principle of home rule that but the population of the confederacy in the days of '85.

While this is true, the billication of the confederate visiting and as loyal and devoted to the cause for which they struggled as they were in the days of '85.

"For the first time in the history of our State there are to be created two odministrative bodies vested with power heretolore exclusively exertains and fares of steam roads, street and elevated rallroads, gas and electric and elevated rallroads, gas and electric proposed and the proposed proposed and the proposed propos NEW YORK, May 28 .- Lafe to-night Mayor McClellan recorded his official

There is no provision that the com-missions shall be bi-partisan or nonmissions shall be bi-partisan or non-partisan, and all the members may be of the same political party. What may be will be. And if this bill be-comes a law, we shall see, in the near future, these commissions composed of pelitical partisans, with great conse-quent injury to the State and the prop-erties affected.

Under given conditions, when party the given conditions, when party feeling is intense and the presidency, the governorship or the Legislature is at stake, it will be used to influence, ecerca and to secure the money with which to corrupt the electorate.

"With the general principles of this bill I am in accord; but I will never give my approval to a measure that places in the hands of a single politiparty such tremendous and limit

BRUNSWICK MAN DROWNS IN DOYLE'S MILL POND

[Special to The Times-Dispatch.] RAWLING, BRUNSWICK CO., V. or otherwise,

"If such practices be permitted, the result will, this department feels as, sured, prove highly prejudicial to the naval service by causing the uniform of the navy to be looked upon with disfavor,

"Commending the matter to your earnest attention, I shall be glad to be advised of such action as you may deem it appropriate to take in the premises, it being understood, of course, that whatever is done in this (Continued on Eighth Page.)

"Continued on Eighth Page.)

"RAWLING, BRUNSWICK CO., VA., May 23.—Information has just reached the post of the most interest of the most interest of the most of t

who was before her marriage a Miss House, of this county.

WORK ON SAN FRANCISCO HAS BEEN ABANDONED

WASHINGTON, May 28.—The Navy Department has ben obliged to abandon its plan to transform the cruiser San Francisco into a mine ship because the change will involve the expenditure of more than \$200,000, and consequently would require a congressional appropriation. The San Francisco is now at Norfolk, where the work was to have been undertaken.

H COMBO

CORPORACE CONTRACTOR

Thousands Greet General Lee On His Arrival Here

Commander-in-Chief Touched by Enthusiastic Welcome and Declares Reunion Will Be Greatest South Has Ever Known.

VISITORS ARE POURING IN AND ATTENDANCE WILL BE LARGE

Social Features Will Begin To-Night With Reception at Lee Camp Hall---Scenes at Camp Gordon, Where Veterans Will Live in Tents Again---Miss Lee Welcomes Commander.

General Lee's Tribute to Virginia.

confederate veterans as there was when we accepted the invitation from Rich-

"The veterans decided the vote with the rebel yell, which made it mos

mond and to Virginia with the greatest pleasure, feeling that Richmond and Virginia should be called the heart of the Confederacy. Outside of Virginia we all feel that Virginia bared her breast to the storm, inviting invasion an battle on her soll in order to shelter her sister States.

"Ever since colonial days Virginia has been the home of great plendid women. No other spot of the same size has produced such statesme

"Beginning with Captain John Smith, we step to General Was with his sword in the Continental armies, laid the foundation of this great "Then Virginia furnished seven Presidents, and in the great w

the States furnished Robert E. Lee, the greatest general known to the English-"We must not forget either Stonewall Jackson, A. P. Hill, J. E. B. Stuart

and, in fact, if we started to enumerate Virginia's great soldiers and statesmen "I believe now with the expression of these thoughts that I emphasize the feeling and the great pleasure which every Confederate soldier feels in coming

to Richmond and visiting the sacred soil of the Old Dominion."-General Stephen D. Lee, commander-in-chief of U. C. V., in statement to representative of The Times-Dispatch last night.

and it is this spirit which provails among the veterans and which will pervade the reunions.

Already there are 0,000 reunion visitors here, and every train is empty-

flag side by side with the Confederate, and it is this spirit which prevails among the veterans and which will pervade the reunions.

Alreacy there are 0.000 reunion visitors here, and every train. Is emptying Veterans, Sons of Veterans and visitors into the city.

To-day no less than thirty-one special trains will bring a small army of reunion guests, while the regular trains will swell the crowd to not less than 60,000 people. The reilroad officials say that there has never been such a demand for transportation, and that the crowd will break all previous records at reunions.

General Lee Plensed.

Tell the people of Richmond for me," said General Stephen D. Lee, commander-in-chief of the United Confederate Veterans in gray coats and service hats mingled with the throng. Across the way, drawn up in two inest, the military, 325 officors and mer, waited, while the Blues' Band new and the cross the way, drawn up in two inest, the military, 325 officors and mer, waited, while the Blues' Band new and the core of the sway, drawn up in two inest, the military, 325 officors and mer, waited, while the Blues' Band new and the colonek a great white motor car s'camed up. In it were Colonel J. W. Gordon, Mr. E. D. Taylor, Mr. E.

General Lee Plensed.
"Tell the people of Richmond for me," said General Stephen D. Lee, commander-in-chief of the United Confederate Veterans, "that I never before the manufacture of the country as a set before the confederate of the country of the confederate veterans," the country of the got such an enthusiastic reception as was accorded me here to-night.

"I have never before known such an outpouring of the people, not have a yards away.

eyer before seen any city so profusely decorated for a reunion as is Richmond. I am profoundly touched by the generous welcome which I have received at the hands of the people of this city."

I meaning the motor car, but fifty reaching the motor car, but fifty the carning the motor car, but fifty examine the motor car, but fifty examine the motor car, but fifty example the mot

hale, in spite of the seventy-six years which have passed over his head, smiled with pleasure as he spoke of the enthusissm with which he had

Outside his window at the Jefferson, the Blues' Band still played "Dixie," and a crowd of perhaps 1,000 men and

VISITING "PRESS."

For the use of the newspaper menattending the reunion, The Times-Dispatch has litted up on the third floor of its building comfortable quarters.

The rooms will be equipped with Western Phon and Postal telegraph offices and Southern Bell telephone, through the courtesy of the companies, and there will be in charge a local newspaper man to furnish "information" for the press visitors.

The Times-Dispatch extends a cordial laviation to all representatives of the press to make the rooms their headquarters during the rounion. Telegrams and mail should be sent care of "Times-Dispatch."

Press telephone, No. 4856,

Loe."
Hundreds crowded around the com-Hundreds crowded around the mander-in-chief to shake his hand, mander-in-chief to shake his hand, mander-in-chief to shake his hand, and mander-in-chief to shake his hand, an nearly twenty minutes were consumed in reaching the motor car, but fifty

elved at the hands of the people of his city."

General Lee, vigorous, hearty and ale, in spite of the seventy-six years which have passed over his head, miled with pleasure as he spoke of the enthusiasm with which he had een received.

Outside his window at the lefterson. some, even more enthusiastic, burned red lights.

Arriving at the Jefferson, General Lee was driven to the Main Street entrance, and, walking into the hotel between Colonel Gordon and Captain Brown, was greeted with applause by hundreds of ladies seated in the balconies.

conics.

Meeting With Miss Lee.
A sight which delighted every one was the meeting between General Stephen D. Lee and Miss Mary Custis Lee. General Lee was on the office floor, surrounded by hundreds enger to welcome him, when Captain Charles Cotesworth Pinckney informed him that Miss Mary Custis Lee was waiting on the grand stairway to speak a word of welcome. Immediately the general left the voterans, and accompanied Captain Pinckney to Miss Lee's presence.

This is indeed an honor to be wel-ned by you to Virginia," said Gen-